

REMARKS

An excess claim fee payment letter is submitted herewith for three (3) additional dependent claims.

Claims 1-23 are all the claims presently pending in the application. Claims 1, 5-6, 8, 11-12, and 15-18 are amended to more clearly define the invention and claims 19-23 are added. Claims 1, 11, and 19 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1-4, 7, 11-14, and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Feitsch et al. reference. Claims 5-6, 8-10, 15-16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Feitsch et al. reference in view of the Orimo et al. reference.

These rejections are respectfully traversed in the following discussion.

I. THE INFORMATION DISCLOSURE STATEMENT

Applicant notes that the September 27, 2004, Office Action encloses two (2) pages from a Form PTO-A820 that was submitted by the Applicant in an Information Disclosure Statement that was filed on September 22, 2003. However, Applicant also notes that, while the Examiner signed and dated both of these forms, that the Examiner did not initial next to the references on the second page of the form. This appears to be an inadvertent error on the

part of the Examiner and Applicant respectfully requests that the Examiner initial all of the references to indicate consideration of these references.

Applicant encloses a duplicate copy of the Form PTO-A820 that was submitted with the September 22, 2003, Information Disclosure Statement for the Examiner's convenience.

Applicant respectfully requests that the Examiner indicate consideration of all references that were submitted in the Information Disclosure Statement that was filed on September 22, 2003.

II. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention as defined by, for example, independent claim 1, is directed to a portable radio telephone that includes a radio section for receiving an input radio signal and/or transmitting an output radio signal, a power supply controller for controlling a supply of electric power to the radio section responsive to reception of a power-off signal, the power-off signal being transmitted from a power-off signal transmitter provided in a prohibited area where use of a portable radio telephone is prohibited, and a power-off signal sensor for sensing reception of the power-off signal to notify the power supply controller of reception of the power-off signal. When the power-off signal sensor senses reception of the power-off signal; the power supply controller stops the supply of electric power to the radio section while keeping additional built-in functions, other than a communication function, operable. When the power-off signal sensor does not sense reception of the power-off signal, the power supply controller continues the supply of electric power to the radio section.

Conventional portable telephones may include a power supply that cuts-off the supply

of power upon receipt of a power-off signal. However, these conventional portable telephones turn off the power to the entire telephone. While these conventional portable telephones obtain the desired effect of cutting-off power from a radio transceiver and/or a sound device, these conventional telephones do not allow a user to access and/or use other devices and/or functions that are included with the portable telephone.

Other conventional portable telephones may include a communication stop key which cuts-off the power supply to the radio transceiver in response to a user's operation of the stop key. These telephones are advantageous over the above-described conventional telephones in that they only cut-off power to those circuits that provide a communication function and, therefore, allow the user to access and/or use non-communication functions. However, these conventional portable telephones do not automatically cut-off power to the communication functions.

In stark contrast, the present invention provides a power supply controller that stops the supply of electric power to the radio section while keeping additional built-in functions, other than a communication function, operable. In this manner, the power is automatically cut-off from the radio section while maintaining power to a device that does not have communications functions (page 4, lines 18-24).

III. THE PRIOR ART REJECTIONS

A. The Feitsch et al. reference

Regarding the rejection of claims 1-4, 7, 11-14, and 17, the Examiner alleges that the Feitsch et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Feitsch et

al. reference, as described by the plain meaning of the claim language, as understood by one of ordinary skill in the art.

The Feitsch et al. reference does not teach or suggest the features of the claimed invention including: 1) a power supply controller that stops a supply of electric power to a radio section while keeping additional built-in functions, other than a communication function, operable (claims 1 and 11); and 2) a power supply that cuts-off power to the radio section and maintains power to a device that performs functions other than a communications function in response to the power-off signal sensor sensing the power-off signal (claim 19).

As explained above, these features are important for automatically cutting power off from the radio section while maintaining power to a device that performs functions other than communication functions (page 4, lines 18-24).

Rather, and in stark contrast to the claimed invention, the Feitsch et al. reference discloses “Whether all or only some functions of the appliance are turned off will depend on the type of the appliance or the security zone.” (Emphasis added, Page 3, lines 10-12). The Feitsch et al. reference also discloses that “it is furthermore practical when the switching commands, upon entry into the security zone, will lead to the shutdown of selected functions, and upon departure from the security zone, will lead to their reactivation.” (Page, 5, lines 18-22).

The Feitsch et al. reference does not disclose how the “type of appliance” determines which “functions of the appliance are turned off” and also only discloses “selected functions” that are related to call sounds.

The Feitsch et al. reference provides examples of different types of appliances “for example, radio appliances, CD players, etc., transmit high-frequency signals that can

influence sensitive instruments” (Page 2, lines 5-7), but does not explain how the “types of appliances” determines which of the “selected functions” are affected except for turning power off to a call sound device.

The Feitsch et al. reference describes determining whether all functions of the portable telephone will be shut off OR whether only the call sound will be disabled depending upon the type of security zone. For example, “In motion picture theaters or theater auditoriums, it will generally suffice to silence the call sound of a mobile part,” rather than shutting down all functions. (Page 3, lines 12-14). However, “It is especially [preferred] in security zones, however, that all functions of the mobile part, except for the reception of switching commands, will be silenced with the help of the switching commands.”

Therefore, the Feitsch et al. reference describes two options, the first option being the disabling of all functions in “security zones” and the second option being the disabling of a call sound function for a movie theater type of area.

The Feitsch et al. reference clearly does not disclose the features of the claimed invention including a power supply controller that stops the supply of electric power to the radio section while keeping additional built-in functions, other than a communication function, operable in response to the power-off signal sensor sensing the power-off signal.

Further, with respect to claims 7, 12, and 17, contrary to the Examiner’s allegations, the Feitsch et al. reference does not teach or suggest the feature of a power-off release signal, let alone a power-off release signal sensor.

Rather, the Feitsch et al. reference merely discloses the broadcasting of “switching commands, upon entry into the security zone, [which] will lead to the shutdown of selected functions, and upon departure from the security zone, will lead to their reactivation.” (Page 5,

second full paragraph).

The Feitsch et al. reference further explains that “The functions can be reactivated only when no switching commands were received over a certain time span.” (Page 12, lines 2-4).

In other words, the Feitsch et al. reference merely discloses the broadcasting of “switching commands” which appear to correspond to the claimed power-off signal and that electronic devices are turned off when they receive the “switching commands”, and may be turned back on when the “switching commands” are only broadcast at the periphery of a security zone AND the “switching commands” are received a second time (page 5, second full paragraph), OR when the electronic device no longer receives the “switching commands.” (Page 12, lines 2-4).

Contrary to the Examiner’s allegations, the Feitsch et al. reference does not teach or suggest a power-off release signal (claims 7 and 17) and a stop release signal (claim 12).

Therefore, the Feitsch et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1-4, 7, 11-14, and 17.

B. The Feitsch et al. reference in view of the Orimo et al. reference

Regarding the rejection of claims 5-6, 8-10 15-16, and 18, the Examiner alleges that the Orimo et al. reference would have been combined with the Feitsch et al. reference to form the claimed invention. Applicant submits, however, that the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by

the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Feitsch et al. reference is directed to “facilitate the automatic shutoff of electronic appliances in such areas (security areas) in which operation of these appliance is dangerous or undersirable.” (Page 2, lines 18-21).

In stark contrast, the Orimo et al. reference is specifically directed to addressing the problem of a complicated arranging of a portable telephone during, for example, a meeting and the problem of “un-arranging” the telephone back to a normal situation. [0004].

One of ordinary skill in the art who was concerned with the problem of facilitating automatic shutoff of appliances in a security area as the Feitsch et al. reference is concerned with addressing would not have referred to the Orimo et al. reference, and vice-versa, because the Orimo et al. reference is concerned with the completely unrelated and different problem of complicated arranging of a portable telephone during, for example, a meeting and the complicated un-arranging to return the phone back to a normal mode. Thus, the references would not have been combined.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, the Feitsch et al. reference does not teach or suggest the features of the present invention including: 1) a power supply controller that stops supply of electric power to a radio section while keeping additional built-in functions, other than a communication function, operable (claims 1 and 11); and 2) a power supply that cuts-off power to the radio section and maintains power to the device in response to the power-off

signal sensor sensing the power-off signal (claim 19).

The Orimo et al. reference does not remedy these deficiencies.

Indeed, the Orimo et al. reference does not teach or suggest cutting off power to a radio section at all, let alone cutting off power to a radio section while maintaining power delivery to a device that performs functions other than communications function.

Rather, the Orimo et al. reference merely discloses providing a portable telephone having a section of modes, such as, a meeting mode, a theater mode, and a darkness mode. Each mode has a different set of functions turned on or off.

None of the modes that are disclosed by the Orimo et al. reference cut power off from a radio section, let alone cut power off from a radio section while maintaining power delivery to a non-communication function device.

Rather, the Orimo et al. reference discloses modes that always maintain power to a radio section and only discloses turning on or off a display, a vibrator, a ringer, and a key tone as well as how calls are to be transferred and which calls will be accepted depending upon the origination of the call. Thus, the Orimo et al. reference clearly teaches away from a power supply controller that stops supply of electric power to a radio section while keeping additional built-in functions, other than a communication function, operable.

Clearly, the Orimo et al. reference does not teach or suggest the features of the present invention including: 1) a power supply controller that stops supply of electric power to a radio section while keeping additional built-in functions, other than a communication function, operable (claims 1 and 11); and 2) a power supply that cuts-off power to the radio section and maintains power to the device in response to the power-off signal sensor sensing the power-off signal (claim 19).

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 5-6, 8-10 15-16, and 18.

IV. FORMAL MATTERS AND CONCLUSION

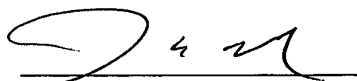
In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-23, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/27/09


James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PIPE
DEC 27 2004
OFFICE

ATTY DOCKET NO.
GNE464A

SERIAL NO.
10/005,340

APPLICANT(S)
Takahiko Tomono

FILING DATE
December 7, 2001

GROUP
2681

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	11-331948	11/30/99	JAPAN			ABS	
	10-174165	06/26/98	JAPAN			ABS	
	11-69412	03/09/99	JAPAN			ABS	
	2000-83278	03/21/00	JAPAN			ABS	
	11-298971	10/29/99	JAPAN			ABS	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

			Japanese Office Action dated July 23, 2003, with partial English translation.

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

DEC 27 2004

ATTY DOCKET NO.

GNE464A

SERIAL NO.

10/005,340

APPLICANT(S)

Takahiko Tomono

FILING DATE

December 7, 2001

GROUP

2681

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2000-287259	10/13/00	JAPAN			ABS	
	2000-78634	03/14/00	JAPAN			ABS	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.